THE HON'BLE Mr. JUSTICE GODA RAGHURAM

MONDAY, THE 20th DAY OF FEBRUARY, 2006

W.P.No. 2994 of 2006

Between:-

M/s. S.R.K. Estates, Hotel Mega City, rep., Mr. Shaik Kalesha, Basheerbagh, Hyderabad.

--Petitioner

And

Central Power Distribution Company of Andrha Pradesh Ltd., (AP TRANSCO) having office at Singreni Bhavan, Hyderabad, rep., by its Managing Director and another.

--Respondents

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Oral order:-

What is assailed in this writ petition is an initial assessment notice of pilferage of electrical energy, pursuant to an inspection in the year 1997 and as regards which proceedings against the alleged pilferage were initiated in the year 1997. It is the case of the petitioner that there is a substantial difference between the provisions of the repealed Electricity (Supply) Act, 1948 (for short 'the 1948 Act') and the current and operational Act – the Electricity Act, 2003 (Act No. 36 of 2003) (for short 'the 2003 Act') --; and that qua the provisions of Section 185 of the 2003 Act, the provisions of the repealed Act are operational only insofar as the action taken is not inconsistent with the provisions of the 2003 Act. On this assertion, it is contended on behalf of the petitioner that as the initial assessment notice proceeds on the substantive basis of the provisions of the 1948 Act, the whole exercise is illegal.

This court is not inclined to adjudicate upon this issue at this point of time. What is issued is a mere initial assessment notice. It is open to the petitioner to sensitize the respondents as to the position of law as the petitioner perceives it, by filing an appropriate response to the initial assessment notice. On receipt of such a response from the petitioner, the respondents are required to consider the same and pass a reasoned order. As and when a final assessment order is passed, that is the stage at which the judicial review is appropriate.

The writ petition is pre-mature and is accordingly dismissed. The petitioner is at liberty to pursue appropriate remedy after the final assessment order is passed, including by way of an appellate remedy. No costs.

GODA RAGHURAM, J

Date: 20-02-2006

Pvks/*